

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ROGER KNOX, WINTERCAP SA,
MICHAEL T. GASTAUER, WB21 US
INC., SILVERTON SA INC., WB21 NA
INC., C CAPITAL CORP., WINTERCAP
SA INC. AND B2 CAP INC.

Defendants,

and

RAIMUND GASTAUER, SIMONE
GASTAUER FOEHR, B21 LTD., SHAMAL
INTERNATIONAL FZE, AND WB21 DMCC

Relief Defendants.

Case No. 1:18-cv-12058-RGS

**ASSENTED-TO MOTION TO MODIFY THE PRELIMINARY INJUNCTION TO
ALLOW THE TRANSFER OF PRESERVED ASSETS**

With the assent of defendants WB21 US Inc., Silverton SA Inc., WB21 NA Inc., C Capital Corp., Wintercap SA Inc. B2 Cap Inc. and relief defendant WB21 DMCC (collectively, the “Defendants”), Plaintiff Securities and Exchange Commission (the “Commission”) respectfully requests that the Court modify the Preliminary Injunction Order (“PI”) entered in this matter (Dkt. No. 46) pursuant to Federal Rule of Civil Procedure (“FRCP”) 67 and Local Rule 67.2 to enable parties and non-parties subject to the PI to transfer funds into and out of the Defendants’ counsel’s escrow account in furtherance of a potential resolution of this action. As grounds for this Motion, the Commission states as follows.

1. On October 2, 2018, the Court granted a temporary restraining order (“TRO”), which ordered, among other things, all entities including WB21 Pte. Ltd. to preserve assets held for the benefit of the defendants. *See* Dkt. No. 9, at 8. The TRO was superseded by the PI (Dkt. No. 46), which contained the same provision.
2. Parties and non-parties subject to the PI currently hold funds on behalf of the Defendants that were frozen by operation of the TRO and PI.
3. The Defendants have been negotiating a potential resolution of this action with the Commission.
4. The Commission respectfully requests that the Court modify the Preliminary Injunction Order to allow parties and non-parties subject to the PI to transfer funds held on behalf of the Defendants into and out of the Defendants’ counsel’s escrow account in furtherance of a potential resolution in this matter as to the Defendants.
5. The Defendants assent to the relief requested herein.

Wherefore, the Commission moves that the Court modify the Preliminary Injunction Order to permit parties and non-parties subject to the PI to make the transfers of funds described above. A proposed Order is attached hereto as Exhibit A.

SECURITIES AND EXCHANGE COMMISSION
By its attorneys,

s/ Kathleen Shields
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DATED: December 16, 2021

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2021, a true and correct copy of the foregoing document was filed through the Court's CM/ECF system, and accordingly, the document will be sent electronically to all participants registered to receive electronic notice in this case. A copy will also be sent via first class mail and/or email to those parties who have not yet registered for notice via the Court's CM/ECF system.

/s/ Kathleen Shields

Kathleen Shields